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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

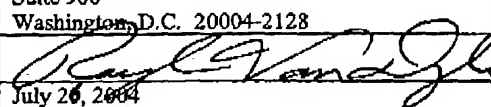
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	031896-29000	
	Filing Date	March 4, 2004	
	First Named Inventor	Micheal R. BOWMAN et al.	
	Group Art Unit	3906	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	031896-29000

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s): Application Data Sheet
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (740819-383) for the above identified docket number.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Raymond Van Dyke, Reg. No. 34,746 Nixon Peabody LLP 409 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	July 26, 2004

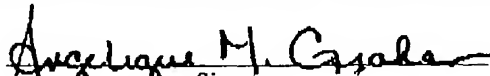
**CERTIFICATE OF MAILING****CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

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July 26, 2004

Date

  
Signature  
Angelique M. Graham

# FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$1,330.00

Complete if Known

Application Number 031896-29000  
Filing Date March 4, 2004  
First Named Inventor Michael R. BOWMAN et al  
Confirmation No. 3906  
Art Unit 1653  
Attorney Docket No. 031896-29000

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 19-2380 (031896-29000)

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	0	X \$	=
1	1	X \$	=
Multiple Dependent	X	\$	=

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

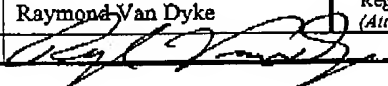
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Sheet
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$1330.00

## SUBMITTED BY

Name (Print/Type) Raymond Van Dyke  
Signature 

Registration No. (Attorney/Agent) 34,746

## Complete (if applicable)

Telephone (202) 585-8000  
Date July 26, 2004

Docket No. 031896-029000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 26 2004

In re PATENT application of: )  
Michael R. BOWMAN et al. ) Group Art Unit: 1653  
Application No.: 10/792,280 ) Examiner: To be Assigned  
Filed: March 04, 2004 )  
For: COMPOSITIONS AND METHODS FOR ) Confirmation No.: 3906  
DIAGNOSING AND TREATING )  
ASTHMA OR OTHER ALLERGIC )  
OR INFLAMMATORY DISEASES )

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## CERTIFICATE OF MAILING OR TRANSMISSION

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*Angelique M. Graham*  
Angelique Graham

PETITION, UNDER 37 C.F.R. 1.78(a)(6),  
FOR THE ACCEPTANCE OF A LATE CLAIM  
FOR PRIORITY, UNDER 35 U.S.C. § 119(e),  
TO PROVISIONAL APPLICATION SERIAL NO. 60/451,396

## MAIL STOP PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Petitioner requests that the claim for priority, under 35 U.S.C. § 119(e), set forth in the attached copy of the Application Data Sheet, filed with the Response to Missing Parts of July 15, 2004, be accepted under the unintentional delay provisions of 37 C.F.R. 1.78(a)(6). In support of this request, the Petitioner states that the entire delay between the date the claim for priority was due under 37 C.F.R. 1.78(a)(5), i.e.,

Application of 10/792,280

Docket No. 031896-029000

Page - 2 -

sixteen months from the filing date of March 4, 2003 for Provisional Application 60/451,396 - which was July 4, 2004; and the date of filing the instant Petition and the Application Data Sheet was unintentional.

In accordance with the provisions of 37 C.F.R. 1.78(a)(6), the surcharge fee of \$1330.00, set forth in 37 C.F.R. 1.17(t), should be charged to Deposit Account No. 19-2380. Further, any overage or shortage in the required payment, should be credited or applied to Deposit Account No. 19-2380.

Respectfully submitted,



Raymond Van Dyke  
Registration No. 34,746

**NIXON PEABODY, LLP**  
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RVD/JWM